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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,287

10/16/2003

Shoji Kodama

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05/19/2006

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EXAMINER

DAYE, CHELCIE L

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,287

Applicant(s)

KODAMA, SHOJI

Examiner

Chelcie Daye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-65 is/are pending in the application.
- 4a) Of the above claim(s) 1-41 and 66-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/16/03 & 2/21/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is issued in response to Applicants election on May 7, 2006.
2. Claims 42-65 are pending. Claims 1-41 and 66-79 are withdrawn.
3. Claims 1-41 and 66-79 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse on May 7, 2006.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-19, drawn to a method for file accessing, classified in class 707, subclass 9.
- II. Claims 20-21, drawn to a system for generating a data structure, classified in class 707, subclass 102.
- III. Claims 22-33, drawn to a method for query processing, classified in class 707, subclass 3.
- IV. Claim 34-41, drawn to a system for file maintenance and backup, classified in class 707, subclass 204.
- V. Claims 42-65, drawn to a method for manipulating a data structure, classified in class 707, subclass 101.
- VI. Claims 66-79, drawn to a method for file management in a shared database, classified in class 707, subclass 8.

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Inventions I-VI are related as combination and subcombinations.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particular subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

In the instant case, the combination (I) as claimed does not require subcombinations II,III,IV,V,and VI as claimed because it is a method for file accessing, which does not require a system for generating a data structure, a method for query processing, a system for file maintenance and backup, a method for manipulating a data structure, nor a method for file management in a shared database. The subcombination II, as claimed does not require combination I, or subcombinations III,IV,V,VI as claimed because it is a system for generating a data structure that need not be related to a method for file accessing, a method for query processing, a system for file maintenance and backup, a method for manipulating a data structure, nor a method for file management in a shared database. The subcombination III, as claimed does not require combination I, or subcombinations II,IV,V,VI as claimed because it is a method for query processing that need not be related to a method for file accessing, a system for generating a data structure, a system for file maintenance and backup, a method for manipulating a data structure, nor a method for file management in a shared database. The subcombination IV, as claimed does not require combination I, or subcombinations II,III,V,VI as claimed because it is a system for file maintenance and backup that need not be related

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to a method for file accessing, a system for generating a data structure, a method for query processing, a method for manipulating a data structure, nor a method for file management in a shared database. The subcombination V, as claimed does not require combination I, or subcombinations II,III,IV,VI as claimed because it is a method for manipulating a data structure that need not be related to a method for file accessing, a system for generating a data structure, a method for query processing, a system for file maintenance and backup, nor a method for file management in a shared database. The subcombination V, as claimed does not require combination I, or subcombinations II,III,IV,VI as claimed because it is a method for file management in a shared database that need not be related to a method for file accessing, a system for generating a data structure, a method for query processing, a system for file maintenance and backup, nor a method for manipulating a data structure. Therefore, the inventions are distinct; however, they could be usable together.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for I is not required for II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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A telephone call was made to George Yee at (650) 326.2400 on May 7, 2006 requesting an oral election to the above restriction requirement, applicant elects Group V without traverse.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 10/16/2003 and 2/21/2006 was filed on and after the mailing date of the application on 10/16/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

5. Claims 50 and 59 objected to because of the following informalities: Claim 50, lines 3, is missing the word "of" between 'plurality' and 'exports'. Claim 59, line 2, the word "form" should recite "from". Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 50, 56, and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 50 and 56 are rejected under 35 U.S.C. 112, second paragraph, for having negative limitations, which are not clearly pointed out within the description. The current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation. So long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, second paragraph. Some older cases were critical of negative limitations because they tended to define the invention in terms of what it was not, rather than pointing out the invention. Thus, the court observed that the limitation "R is an alkenyl radical other than 2-butenyl and 2,4-pentadienyl" was a negative limitation that rendered the claim indefinite because it was an attempt to claim the invention by excluding what the inventors did not invent rather than distinctly and particularly pointing out what they did invent. *In re Schechter*, 205 F.2d 185, 98 USPQ 144 (CCPA 1953). A claim which recited the limitation "said homopolymer being free from the proteins, soaps, resins, and sugars present in natural Hevea rubber" in order to exclude the characteristics of the prior art product, was considered definite because each recited limitation was definite. *In re Wakefield*, 422 F.2d 897, 899, 904, 164 USPQ 636, 638, 641 (CCPA 1970). In addition, the court found that the negative limitation "incapable of forming a dye with said oxidized developing agent" was definite because the boundaries of the patent protection sought were clear. *In re Barr*, 444 F.2d 588, 170 USPQ 330 (CCPA 1971). Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly

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excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff'd mem.*, 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation, which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Note that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a *prima facie* case for lack of descriptive support. *Ex parte Parks*, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993). See MPEP § 2163 - § 2163.07(b) for a discussion of the written description requirement of 35 U.S.C. 112, first paragraph. The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention. A claim may be written in independent or, if the nature of the case admits, in dependent or multiple dependent form. Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent

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form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

Claim 50 recite "has not mounted", which was not given sufficient descriptive support within the specification. Claim 56 recite "not one of the predetermined computer systems", which was not given sufficient descriptive support within the specification. In order to further prosecution, the claims will be given the broadest reasonable interpretation.

8. Claims 56 and 62 recites the limitation "predetermined computer systems". Examiner is unsure as to what "predetermined computer system" applicant is referring to, since there is no prior mention. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 42,43,50,51,54-56,62-65, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft (US Patent No. 6,418,453) filed November 3, 1999, in view of Dutta (US Patent No. 6,636,854) filed December 7, 2000.**

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Regarding Claim 42, Kraft discloses a method for accessing data comprising:

storing one or more files in a file server (Fig.1, Kraft);

receiving a first directory list request for a first directory at the file server (column 3, lines 52-56, Kraft);

in response to receiving the first directory list request , producing a first directory listing that is representative of contents of the first directory (column 3, lines 56-58, Kraft);

receiving a second directory list request for the first directory at the file server (column 3, lines 46-50 and 60-67, Kraft);

in response to receiving the second directory list request, producing a second directory listing that is representative of contents of the first directory, files represented in the second directory listing being based on one or more criteria contained in a file filter table (column 3, lines 58-62, Kraft); and

updating an index based on the second directory listing (column 2, lines 48-53, Kraft). Although, Kraft discloses the requests being submitted by users within a network of computers, which are known to allow multiple users to search the Internet for desired information. However, Kraft is silent with respect to using a first computer and a second computer. On the other hand, Dutta's admitted prior art, discloses using a first computer and a second computer (Fig. 1; columns 8-9, lines 59-67 and 1-8, respectively, Dutta). Kraft and Dutta are analogous art because they are from the same field of endeavor of improving techniques for gathering large amounts of information from a large number of

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resources on a network (i.e. search engine). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Dutta's teachings into the Kraft system. A skilled artisan would have been motivated to combine as suggested by Dutta at column 1, lines 41-54, in order to connect a peer-to-peer network to form a distributed file-sharing system. As a result, the search requests provide a useful manner for finding new content that has not yet been indexed by the search engines.

Regarding Claim 43, the combination of Kraft in view of Dutta, disclose the method wherein the second computer is a search engine server (Fig.4, item 410, Dutta).

Regarding Claim 50, the combination of Kraft in view of Dutta, disclose a method for accessing data comprising:

storing one or more files in a file system on a file server (Fig.1, Kraft);

providing a plurality exports of the file system to a plurality of computer systems (column 5, lines 50-53, Dutta);

receiving from a first computer system a directory list request for a first directory stored on the file server (column 3, lines 52-56, Kraft);

producing a first directory listing that is representative of contents of the first directory (column 3, lines 56-58, Kraft) if the first computer system has not mounted a predetermined one of the exports (column 5, lines 47-50, Dutta); and

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producing a second directory listing that is representative of contents of the first directory if the first computer system has mounted a predetermined one of the exports (column 5, lines 50-53, Dutta), wherein files represented in the second directory listing are determined based on one or more criteria contained in a file filter table (column 3, lines 58-62, Kraft), wherein an index in the first computer system is updated based on information in the second directory listing (column 2, lines 48-53, Kraft).

Regarding Claim 51, the combination of Kraft in view of Dutta, disclose the method wherein the first computer system is a search engine server (Fig.4, item 410, Dutta).

Regarding Claim 54, the combination of Kraft in view of Dutta, disclose a method for accessing data comprising:

storing one or more files in a file system on a file server (Fig.1, Kraft);
receiving from a first computer system a directory list request for a first directory contained on the file server (column 3, lines 52-56, Kraft), the directory list request including source information comprising an identifier of the first computer system (column 12, lines 17-23, Dutta);

producing a first directory listing that is representative of contents of the first directory (column 3, lines 56-58, Kraft) if the identifier of the first computer system is different from a predetermined identifier (column 4, lines 20-27, Dutta);
and

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producing a second directory listing that is representative of contents of the first directory if the identifier of the first computer system is the same as the predetermined identifier (column 10, lines 34-40, Dutta), wherein files represented in the second directory listing are determined based on one or more criteria contained in a file filter table (column 3, lines 58-62, Kraft), wherein an index in the first computer system is updated based on information in the second directory listing (column 2, lines 48-53, Kraft).

Regarding Claim 55, the combination of Kraft in view of Dutta, disclose the method wherein the identifier is an internet protocol (IP) address (column 1, lines 36-40, Dutta).

Regarding Claims 56 and 65, the combination of Kraft in view of Dutta, disclose in a file server, a method for providing access to files contained in the file server comprising:

organizing the files in a file system (column 1, lines 23-28, Dutta);

providing access to the file system to a plurality of computer systems (column 4, lines 39-45, Dutta);

storing information representative of one or more predetermined computer systems (column 3, lines 18-22, Dutta);

receiving from a first computer system a directory list request for a first directory stored on the file server (column 3, lines 52-56, Kraft);

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producing a first directory listing that is representative of contents of the first directory if the first computer system is not one of the predetermined computer systems (column 3, lines 56-58, Kraft); and

producing a second directory listing that is representative of contents of the first directory if the first computer system is one of the predetermined computer systems, wherein files represented in the second directory listing are determined based on one or more criteria contained in a file filter table (column 3, lines 58-62, Kraft).

Regarding Claim 62, the combination of Kraft in view of Dutta, disclose the method further comprising providing one or more exports to the one or more computer systems, wherein the predetermined one or more computer systems are identified by the exports they have mounted, whereby the steps of producing are based on which of the one or more exports the first computer system has mounted (column 5, lines 50-53, Dutta).

Regarding Claim 63, the combination of Kraft in view of Dutta, disclose the method wherein the predetermined one or more computer systems are identified by source addresses, whereby the steps of producing are based on a source address of the first computer system (column 12, lines 17-23, Dutta).

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Regarding Claim 64, the combination of Kraft in view of Dutta, disclose the method wherein the source address is an IP address (column 1, lines 36-40, Dutta).

7. Claims 44-49,52,53,and 57-61, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft (US Patent No. 6,418,453) filed November 3, 1999, in view of Dutta (US Patent No. 6,636,854) filed December 7, 2000 as applied to claims 42,43,50,51,54-56,62-65 above, and further in view of Hill (US Patent No. 7,020,658) filed June 4, 2001.

Regarding Claim 44, the combination of Kraft in view of Dutta, disclose the method having the one or more criteria. However, Kraft in view of Dutta are silent with respect to the criteria based on one or more of file types; file owner information; file creation dates; and file sizes. On the other hand, Hill discloses the criteria based on one or more of file types; file owner information; file creation dates; and file sizes (Fig.14, Hill). The combination of Kraft in view of Dutta, and further in view of Hill are analogous art because they are from the same field of endeavor of file management systems for browsers. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Hill's teachings into the Kraft in view of Dutta system. A skilled artisan would have been motivated to combine as suggested by Hill at columns 2-3, lines 58-67 and 1-11, in order to easily and effortlessly identify unwanted/wanted files. As a result, causing the system to decrease intensive labor and improve efficiency.

Regarding Claim 45, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table comprises one or more file types which indicate whether files are to be excluded from the second directory listing (Fig.15; column 16, lines 45-53, Hill).

Regarding Claim 46, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table further comprises one or more of file owner information, file creation dates, file sizes (Fig.14, Hill).

Regarding Claims 47-49, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filter specifies which files are to be included in the second directory listing and which files are to be excluded from the second directory listing (Fig.11B; column 12, lines 41-46, Hill).

Regarding Claims 52 and 53, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filter specifies which files are to be included and excluded in the second directory listing (Fig.11B; column 12, lines 41-46, Hill).

Regarding Claim 57, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table comprises one

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or more file types which indicate, by file type, whether files are to be excluded from the second directory listing (Fig.15; column 16, lines 45-53, Hill).

Regarding Claim 58, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table further comprises one or more of file owner information, file creation dates, file sizes (Fig.14, Hill).

Regarding Claims 59,60, and 61, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table comprises one or more criteria which indicate whether a file is to be excluded from the second directory listing and indicate whether a file is to be included in the second directory listing (Fig.11B; column 12, lines 41-46, Hill).

Points of Contact


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
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May 10, 2006



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